

REMARKS

The Examiner has objected to claims 2-8, 10-14, 17, 18, 20, 22, 23, 25 27-29 and 31-33. It will be shown below that the independent claims from which these dependent claims depend are all allowable over the reference cited by the Examiner. However, the Applicants still reserve the right to amend one or more these dependent claims to be independent claims at a later date.

Claims 1, 15, 16 and 21 were objected to, and have been amended above to clarify the language noted by the Examiner. This amendment is not deemed to be an amendment made for a reason related to patentability, and the full scope of equivalents for claims 1, 15, 16 and 21 should remain intact.

Claim 15 should thus be allowable.

Claims 1, 9, 16, 19, 21, 24, 26 and 30 are now rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsuge (US 6,795,422 B2) and further in view of Challa et al. (US 6,700,922 B2). This rejection is respectfully disagreed with, and is traversed below.

The Examiner characterizes Ohsuge as disclosing a circuit for determining an instantaneous total received power (I_o) of a received CDMA signal, and references several locations in Ohsuge for purportedly teaching this subject matter (note that the reference to col. 15, lines 7-20, is erroneous, as there is no col. 15.)

The teachings of Ohsuge appear to be directed to a searcher finger assignment technique that is said to use a state weighting coefficient, based on a present path allocation to a plurality of fingers. The Examiner refers to the delay profile power adder 8 and the multipath search unit 1 in Fig. 3 for purportedly teaching a circuit for determining the instantaneous total received power (I_o) of the received CDMA signal.

It is submitted that this circuitry of Ohsuge is not disclosed to operate in this manner. What is

disclosed instead is that:

"Correlation peak position detecting unit 14 searches a plurality of paths from a delay profile measured by delay profile power adder 8. Rake path allocating unit 15 allocates the plurality of paths detected at correlation peak position detecting unit 14 to respective finger receivers 5. (col. 4, lines 26-30)";

and

"At step S1, state weighting section 13 sets weighting coefficient $f(t)=1$ at the start of a path allocating procedure. Thereafter, signals received at antenna 2 are down-converted at high-frequency reception circuit 3, and converted to digital signals at A/D converter 4. Sliding correlator 7 measures a delay profile from the digitally converted signals at A/D converter 4.

Delay profile power adder 8 averages the delay profiles measured at sliding correlator 7 over a plurality of times to reduce the effect of path variations resulting from fading or the like. At step S2, delay profile $D(t)$, after the effect of path variations is reduced at delay profile power adder 8, is multiplied by weighting coefficient $f(t)$ from state weighting section 13 at multiplier 12 in weighting unit 11.

At step S3, correlation peak position detecting unit 14 detects upper N peaks from a plurality of peaks included in delay profile $[f(t)*D(t)]$ multiplied by weighting coefficient $f(t)$ at multiplier 12 in weighting unit 11 to measure the path timing of the detected N peaks, where N represents the number of finger receivers 5." (col. 4, line 54, to col. 5, line 6).

It is respectfully submitted that this is not a disclosure of "a circuit for determining an instantaneous total received power (I_o) of the received CDMA signal", as recited in, for example, claim 1.

The Examiner acknowledges that Ohsuge does not suggest the last element of claim 1, and then uses Challa et al. for purportedly teaching a searcher 128 that is one of enabled for operation or disabled from operation in accordance with "the value of power", and refers to col. 8, lines 27-39.

Referring to Challa et al. at this location, what is stated is the following:

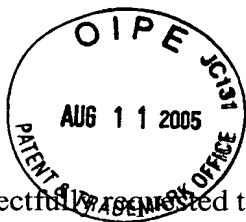
"The search controller 130 may be configured to generate control signals to control the operation of the searcher 128 based on a variety of factors, such as received user-input, the type of signal received, instructions received from a remote location, the success rate of prior searches, user and default settings, the quality of the connection with the remote location, the geographical location of the system 100, the presumed frequency error, **available power**, and the like and various combinations thereof. Those skilled in the art will recognize that the system 100 may be configured to generate control signals by the user, or may be preset to do so at the factory, or some combination thereof." (emphasis added)

It is respectfully submitted that this ambiguous reference to "available power" would not suggest to one skilled in the art to attempt to combine the teachings of Ohsuge in an attempt to arrive at the claimed invention. Further in this regard, it was shown above that Ohsuge is not seen to disclose at least a circuit or method "for determining an instantaneous total received power (I_o) of the received CDMA signal". Thus, even if the proposed combination were made, which is not admitted is technically feasible or suggested, the resulting combination of teachings would not suggest the claimed subject matter.

Still further, this portion of Challa et al. states that the search controller 130 may be configured to generate control signals to control the operation of the searcher 128 based on a variety of factors, and does not specifically state that the search controller operates the searcher 128 so as to be "one of enabled for operation or disabled from operation".

It should be still further noted that the ambiguous reference to "available power" in Challa et al. might pertain to any of a number of power-related features, including possibly an amount of a "available" battery "power" in their spread spectrum wireless device. Based on the very limited disclosure in Challa et al., it is submitted that a strong argument exists that one skilled in the art would not be led to attempt to combine Challa et al. with Ohsuge and, further as was noted above, even if the combination was attempted, the resulting combination would still not render at least the independent claims unpatentable. In that the independent claims are all clearly patentable over the proposed combination of Ohsuge and Challa et al., then all claims that depend from these independent claims should also be patentable.

S.N.: 09/893,143
Art Unit: 2631



The Examiner is respectfully requested to reconsider and remove the rejection, and to allow all of the pending claims 1-33. An early notification of the allowability of claims 1-33 is earnestly solicited.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Harry F. Smith", written over a horizontal line.

Harry F. Smith

A handwritten date "8/9/2005" written in cursive script over a horizontal line.

Date

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Date

A handwritten signature in cursive script, appearing to read "Elaine F. Muan", written over a horizontal line.

Name of Person Making Deposit